

Serial No.: 10/762,582 Group Art Unit: 1646

Filed: January 23, 2004 Examiner: Unknown

For: HYDROPHILIC, THIOL-REACTIVE CYANINE DYES AND CONJUGATES THEREOF

WITH BIOMOLECULES FOR FLUORESCENCE DIAGNOSIS

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## Timing and Fees

$\boxtimes$			F.R. § 1.97(b), no fee or statement is required for filing this information attement is filed:
			three months of the filing date of a national application other than a CPA § 1.53(d);
			n three months of the actual filing date of the national phase of a PCT cation; OR
	$\boxtimes$	before RCE)	e the mailing of a first substantive office action (including after filing of an
			.R. § 1.97(c), this information disclosure statement is filed after the periods 7 C.F.R. § 1.97(b), but before the mailing date of:
			a final rejection under 37 C.F.R. 1.113;
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
			a notice of allowance under 37 C.F.R. § 1.311; and

		is acco	ompanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
			.R. § 1.97(d), this information disclosure statement is filed after the mailing llowing actions which have not been withdrawn:
			a final action under 37 C.F.R. § 1.113;
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
			a notice of allowance under 37 C.F.R. § 1.311;
	AND	is filed	on or before payment of the issue fee; AND is accompanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).
Statem	nents U	nder 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited 1	Materia	<u>ls</u>	
		ancest	or application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
			s of materials listed but not attached were cited in an international search dated

$\boxtimes$	Copies of the materials listed are attached (except for the foregoing).
English ]	Language References
	An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
	A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
	<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> </ul>
	A = document defining the general state of the art
	O = non-written disclosure
	P = intercalated document
	T = document cited to understand the theory or principle underlying the invention
	E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
	D = cited in the application
	L = cited for another reason
	& = publication of member of same patent family
	Translation of other relevant information on foreign search report
	[insert necessary translation here]
Informa	<u>tion</u>
ent of Fe	ees Due (If Any):
A cnec	ck for \$ covering the fee identified above is attached.
Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.
	English I

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969

Attorney for Applicants

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Attorney Docket No.: BOEHMER-0001

Date: 1 October 2004

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PTO/SB/08A (08-00)

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e Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Substitute for form 1449A/PTO Complete if Known Application Number 10/762,582 **INFORMATION DISCLOSURE** January 23, 2004 Filing Date STATEMENT BY APPLICANT Kia LICHA et al. First Named Inventor **Group Art Unit** 1646 (use as many sheets as necessary) **Examiner Name** Unknown **BOEHMER-0001** Sheet of Attorney Docket Number

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	U.S. PATENT DOCUMENTS								
Examiner Initials *	Cite No.1	U.S. Patent Docume	nt Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY				
	1	2002/0077487		Wai-Yee LEUNG et al.	06-20-2002				
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FOREIGN PATENT DOCUMENTS								
		Foreign Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant		
Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T⁵
	2	wo	00/16810		Naoto MIWA et al.	03-30-2000		
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<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>8</sup> Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.



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	T	NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>‡</sup>
	3	ATIF ZAHEER ET AL., "IRDye 78 Conjugates for Near-Infrared Fluorescence Imaging," Molecular Imaging, October 2002, pages 354-364, vol. 1, No. 4, XP008029547.	
_	4	ATIF ZAHEER ET AL., "In Vivo near-infrared fluorescence imaging of osteoblastic activity," Nature Biotechnology, December 2001, pages 1148-1154, vol. 19, XP001080134.	
		JAMES H. FLANAGAN ET AL., "Functionalized Tricarbocyanine Dyes as Near-Infrared Fluorescent Probes for Biomolecules," Bioconjugate Chemistry, 1997, pages 751-756, XP002272364.	
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